

REMARKS

The present filing is responsive to the Office Action.

Summary of the Response

No claims have been amended. Claims 1-13 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Prosecution History

The present case has been subject to three substantive office actions, with essentially the same rejections maintained throughout the office actions. The prosecution history may be summarized as follows:

- a. a response was filed in response to a first office action, which set forth prior art rejections;
- b. a second and final office action issued dated March 12, 2007 ("the Earlier Final Action"), which maintained the rejections;
- c. a response was filed with arguments traversing the rejections, without further claim amendments;
- d. an Advisory Action issued, indicating that the response to the Early Final Action did not place the case in condition for allowance (more specifically, the prior art rejections were maintained because Applicant's arguments were deemed not to be persuasive);

- e. a notice of Appeal and subsequent Appeal Brief were filed, without further claim amendments; and
- f. the Examiner did not provide a Reply Brief, but instead voluntarily withdrew the Appeal and issued the present action, a third and final office action ("the Present Final Action"), effectively stripping Applicant of the opportunity to have the case heard on Appeal. In the Present Final Action, the Examiner essentially repeated the same prior art rejections with the same basis as the Earlier Final Action.

Given the file history that transpired as indicated above, Applicant submits that the Present Final Action is improper. By voluntarily withdrawing the earlier Appeal, the Examiner effectively conceded to the deficiencies of the prior art rejections in the Earlier Final Action (Applicant's arguments in the earlier filed Appeal Brief must have been found to be persuasive to address and traverse the prior art rejections.) However, the Examiner repeated the same basis set forth in the Earlier Final Action to reject the same claims in the Present Final Action. Given the absence of a new ground of rejection in the Present Final Action, and the traversal of the same prior art rejections in view of Applicant's arguments presented in the earlier filed Appeal Brief, the same prior art rejections maintained in the Present Final Action would not appear to be proper.

Applicant could have filed another Notice of Appeal, and repeat the same arguments in another Appeal Brief, which Applicant would expect the Examiner to withdraw the Appeal as he did before. However, if Applicant was to take that approach, the prosecution of the present application would proceed in a circular fashion, leading to further waste of resources for the Applicant as well as the Patent Office!

Applicant respectfully requests the Examiner to reconsider the present application, with appropriate guidance from his Supervisory Examiner, to set forth the issues that should be maintained in the present action. In the absence of such issues, the present application should be forwarded to allowance without further delays dwelling on issues that have been earlier addressed.

Nevertheless, Applicant makes another effort below to point out some of the distinguishing structures of the claimed invention, with respect to the cited references.

Finality Of the Present Action Is Premature

On the outset, given the Examiner's withdrawal of the Appeal but continued deficiencies in repeating the same rejections, the present action should not have been made final. The Examiner should have let the case proceed to Appeal, if the Examiner do not have a fresh basis for rejecting the claims pending in the case.

Applicant respectfully requests the finality of the present action be withdrawn. Further, should the next action include a new ground of rejection, such action should not be made final, given that the rejection would not have been necessitated by any claim amendment.

Claim Rejections under 35 USC 102

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitahara (US 5440452). This rejection is respectfully traversed.

As noted in Applicant's earlier filed papers, including responses to office actions and Appeal Brief, Kitahara does not teach an insulating body having first and second sides at an

angle to each other, wherein a conductor pattern extends over and is recessed in the first and second sides. In the rejection set forth on page 2 of the Present Final Action, the Examiner did not identify any structure in Kitahara, which could be deemed to correspond to the recited recessed conductor pattern in the first and second sides of the insulating body. In fact, the Examiner did not even mention the term "recessed" in his basis of rejection set forth on page 2 of the Present Final Action. Applicant cannot be further burden to guess, for at least the second time¹, what the Examiner could have in mind when rejecting the claims. The Examiner has the obligation to point out all the corresponding structures in the cited references which correspond to each and every recited limitations.

As noted earlier, Applicant persuasively argued that Kitahara does not teach the recited "recessed" conductor pattern in the earlier filed Appeal Brief. In the Present Final Action, the Examiner simply ignored Applicant's arguments, and simply repeated the same deficient basis to reject the claims.

Further, as also argued in the Appeal Brief, in Kitahara, Fig. 16, while the lead 3 extends to an arc section 32 that is received in the opening in between frame sections 41 and 42, neither the lead 3 nor the arc section 32 is recessed in two sides (at an angle to each other) of an insulating body, as specifically required by previously presented claim 1. Applicant respectfully requests the Examiner to specifically identify the corresponding "first and second sides" of an insulating body in Kitahara, and further the corresponding "conductor pattern ... recessed in the first and second sides" Kitahara, as specifically required by claim 1.

Unless the Examiner can address Applicant's earlier arguments and the same arguments repeated herein, or present a new basis for rejecting the claims, the Examiner should allow the

¹ The Examiner did not identify the basis for "recessed" in his Earlier Final Action.

claims (and he should not have withdrawn the earlier filed Appeal, which effectively strips the Applicant of the opportunity to have the case heard on Appeal).

Claim Rejections under 35 USC 103

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara (US 5440452) and in view of Kato (US 6486412). This rejection is respectfully traversed.

Given the traversal of the rejections of the independent claim 1 above, the dependent claims 10-12 should also be patentable for at least the same reasons presented. Kato does not make up for the deficiencies of Kitahara. There is also no motivation, suggestion, teaching, or any apparent reason to make the combination in the first place.

Examiner Interview

In the event the Examiner maintains similar rejections, Applicant respectfully requests an Examiner Interview with the presence of the Supervisory Examiner, with the hope to reduce issues moving forward, so as to expedite prosecution of the present application (which had been unnecessarily delayed with protracted prosecution).

CONCLUSION

In view of all the foregoing, Applicants respectfully submit that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the**

undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 501288 referencing the attorney docket number of this application.

Respectfully submitted,

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